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*Attorneys for Plaintiff*  
TEMUJIN BUSTOS

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TEMUJIN BUSTOS,

Plaintiff,

vs.

CITY OF FRESNO, a Public Entity;  
CHIEF OF POLICE JERRY P. DYER,  
individually and in his capacity as Chief  
of the Fresno Police Department; CHIEF  
OF POLICE ANDREW HALL,  
individually and in his capacity as Chief  
of the Fresno Police Department; and  
DOES 1-10, inclusive.

Defendants.

Case No. 1:20-cv-00066 DAD (BAM)

**STIPULATION TO AMEND  
SCHEDULING CONFERENCE  
ORDER; AND ORDER  
THEREON**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties,  
through their respective counsel of record, as follows:

1           1.     This litigation involves employment discrimination/civil rights action  
2 against the city of Fresno and two former police chiefs based upon multiple  
3 promotional opportunities.

4           2.     This scheduling conference order in this matter was filed on  
5 September 22nd 2020 (document #26) Amended scheduling orders were filed on  
6 June 21st, 2021 (document #32) and on November 2nd, 2021 (document #35). A  
7 stipulation and order was filed on March 1st 2022 modifying the scheduling order  
8 120-days. (Document #37). No trial date is set at this time.

9           3.     The parties have exchanged significant written discovery consisting of  
10 over 6,000 pages of documents and completed all but two depositions in this  
11 matter.

12           4.     The parties stipulated to take the final two depositions in this matter  
13 beyond the discovery cutoff date due to scheduling issues with the belief that this  
14 would allow the parties to complete the needed discovery and not require a  
15 modification of the scheduling order. The final two depositions are those of  
16 former Police Chief and current Mayor Jerry Dyer and former Police Chief  
17 Andrew Hall. The depositions were scheduled for October 10th and 11th  
18 respectively.

19           5.     On October 7th, 2022, counsel for Mr. Dyer was informed and relayed  
20 to Plaintiff's counsel that Mr. Dyer has tested positive for COVID and would not  
21 be available for his scheduled deposition on October 10<sup>th</sup>, 2022.

22           6.     On the evening of October 10, 2022, defense counsel was informed  
23 that Mr. Hall was ordered to appear for jury duty on October 11, 2022. Counsel  
24 attempted to move forward with the deposition by delaying the start time.  
25 However, Mr. Hall was not able to be released from jury duty and thus his  
26 deposition also needs to be rescheduled.

7. Due to both counsel's trial schedules, counsel and parties' prepaid vacations, and witness availability, the depositions cannot be completed until late November or early December.

8. As such, the parties believe that a 75-day extension on the remaining deadlines, which only consists of the pretrial motion filing deadline and pretrial conference is necessary in order to allow the parties to complete the remaining depositions as well as meet and confer prior to the filing of any dispositive motions in order to possibly narrow the issues prior to the filing of dispositive motions and/or trial. Thus, the parties propose the following dates:

	Current Date:	Proposed Date:
Pretrial Motion Deadline:	11/25/2022	02/08/2023
Pretrial Conference:	03/27/2023	06/07/2023

9. Thus it is respectfully requested that the scheduling conference order be modified 75 days.

Dated: October 12, 2022

CASTILLO HARPER, APC

s/Brandi L. Harper

Brandi L. Harper

*Attorneys for PLAINTIFF*

TEMUJIN BUSTOS

Dated: October 12, 2022

WHITNEY THOMPSON & JEFFCOACH

s/Joseph D. Rubin

Joseph D. Rubin

*Attorneys for Defendants*

CITY OF FRESNO, JERRY DYER,

ANDREW HALL

ORDER

Upon reading the foregoing Stipulation of the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. The Scheduling Order will be modified in the following manner:

Pretrial Motion Filing Deadline:	02/08/2023
Pretrial Conference:	<b>06/12/2023, at 1:30 PM</b> <b>Courtroom 1 (ADA)</b>

IT IS SO ORDERED.

Dated: October 12, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE